

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re Application of

OTKRITIE INTERNATIONAL  
INVESTMENT MANAGERMENTS LIMITED,  
a company incorporated in the British Virgin  
islands,

OTKRITIE SECURITIES LIMITED,  
a company incorporated in England and Wales,  
and

OTKRITIE FINANCIAL CORPORATION  
JSC, a company incorporated in the Russian  
Federation,

To Issue Subpoenas for the Production of  
Documents and Testimony for Use in a  
Foreign Proceeding.

Case No. 1:12-mc-00382-P1

**(Filed Electronically)**

**DECLARATION OF KIMBERLEE A. MALASKA, ESQ.  
IN SUPPORT OF BGC FINANCIAL, L.P.'S MEMORANDUM OF LAW IN  
OPPOSITION OF SEVENTH APPLICATION FOR AN ORDER UNDER  
28 U.S.C. § 1782 TO ISSUE SUBPOENAS FOR THE PRODUCTION OF  
DOCUMENTS AND TESTIMONY FOR USE IN A FOREIGN PROCEEDING**

I, Kimberlee A. Malaska, declare pursuant to 28 U.S.C. § 1746:

1. I am an attorney fully admitted to practice under the laws of the State of New York, and I represent Defendants BGC Financial, L.P. ("BGC"). I respectfully submit this declaration in support of BGC's Memorandum of Law in Opposition of Seventh Application for an Order under 28 U.S.C. § 1782 to Issue Subpoenas for the Production of Documents and Testimony for Use in a Foreign Proceeding.

2. BGC is a limited partnership located in New York.

3. It is not a party to the civil fraud action pending in the United Kingdom's High Court of Justice, Queen's Bench Division, captioned Otkritie International Investment Management Limited et al. v. Urumov et al, 2011 Folio 1182 (the "UK Action").

4. If BGC is required to provide information related to all of BGC's Argentinean Warrants transactions for three different ISIN identifying numbers for an 18-month period, as requested by the instant application, BGC would be required to provide documentation and related communications for hundreds of trades.

5. In addition, if this application were granted, BGC will be required to disclose highly confidential information about dozens of customers who BGC has no reason to believe have a connection to the UK Action.

By:   
KIMBERLEE MALASKA (KM1312)

Dated: December 14, 2012